

PHILLIP A. TALBERT
United States Attorney
MATTHEW DE MOURA
Special Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUGO VIGIL VILLAGOMEZ ET AL,

Defendants.

Case No.: 1:22-CR-00197-TLN

STIPULATION AND ORDER TO
CONTINUE STATUS CONFERENCE AND
EXCLUDE TIME UNDER SPEEDY TRIAL
ACT

Date: January 18, 2024

Time: 9:30 a.m.

Court: Hon. Troy L. Nunley

The United States of America, by and through Special Assistant U.S. Attorney Matthew De Moura, defendant Hugo Vigil Villagomez, by and through his counsel Dani Mohling and Michael E. Cardoza, and defendant Serafin Villagomez, by and through his counsel Kevin Rooney, hereby agree and stipulate as follow:

1. This matter was transferred to Sacramento from Fresno in late 2023.
2. This is only the second request to continue the status conference with all currently assigned counsel since this case has been transferred to Sacramento and the first request from the government in Sacramento.

STIPULATION AND ORDER

3. Since the first request for a continuance in October 2023 to the present date, the parties have been diligently reviewing the voluminous discovery and communicating with one another during this time period to make sure the case continues to move forward towards resolution and/or trial.
4. The discovery in this case consists of nearly 300 files including, but not limited to, investigative reports, recorded phone calls, surveillance data, and photographs the parties continue to review and analyze as they move towards resolution and/or trial.
5. The proposed status conference date on May 9, 2024, represents the earliest and most convenient date that all counsel are available. This requested date takes into account counsels' schedules, defense counsels' commitments to other clients, and defense counsels' need for preparation and further investigation into this case.
6. As to defendant SERAFIN VILLAGOMEZ, exclusion of time is particularly appropriate because he is not detained pending trial.
7. As to defendant HUGO VILLAGOMEZ, time continues to be excluded so counsel, who came into the case in August 2023, can have sufficient time to review and investigate the discovery as well as prepare for his defense.

The parties further believe that time should be excluded, in that failure to grant the requested case schedule would unreasonably deny both the defendants and the government the reasonable time necessary for effective preparation, taking into account the parties' due diligence in prosecuting this case. 18 U.S.C. Section 3161(h)(7)(B)(iv). Based on the foregoing facts, the parties request that the Court vacate the January 18, 2024 status conference and reset the case for a status conference to be held on May 9, 2024, at 9:30 a.m. The parties further agree and request that the Court exclude the time between January 18, 2024, and May 9, 2024, from the computation of time in which trial must commence under the Speedy Trial Act, pursuant to Local Code T-4. The parties agree that the interests of justice served by excluding the time between January 18, 2024, and May 9, 2024, under the Speedy Trial Act, outweigh the best interests of the public and the defendant in a speedy trial. The parties request that the Court adopt the facts

set forth herein and order time excluded from January 18, 2024, to and including May 9, 2024, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4, to allow defense counsel to investigate and prepare for trial. With this stipulation, 0 of 70 days have been used against the computation of time within which a trial must commence.

Dated: January 16, 2024

PHILLIP A. TALBERT
United States Attorney

By: /s/ MATTHEW DE MOURA
MATTHEW DE MOURA
Special Assistant United States
Attorney

Dated: January 16, 2024

/s/ MICHAEL E. CARDOZA
MICHAEL E. CARDOZA
Counsel for Defendant
Hugo Vigil Villagomez

Dated: January 16, 2024

/s/ DANI MOHLING
DANI MOHLING
Counsel for Defendant
Hugo Vigil Villagomez

Dated: January 16, 2024

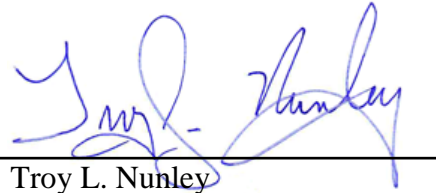
/s/ KEVIN ROONEY
KEVIN ROONEY
Counsel for Defendant
Serafin Villagomez

FINDINGS AND ORDER

The Court, having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court vacates the January 18, 2024 status conference and resets the matter for a status conference on May 9, 2024, at 9:30 a.m. The Court also specifically finds that based on the facts set forth in the parties' stipulation, the failure to exclude the time between January 18, 2024, and May 9, 2024, would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. Time from January 18, 2024, to and including May 9, 2024, is excluded from the computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4. With this stipulation, 0 of 70 days have been used against the computation of time within which a trial must commence.

IT IS SO ORDERED.

Dated: January 16, 2024


Troy L. Nunley
United States District Judge